



JUL 20 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/827,024	04/19/2004	K. Keith Kwok	217538

23460
 LEYDIG VOIT & MAYER, LTD
 TWO PRUDENTIAL PLAZA, SUITE 4900
 180 NORTH STETSON AVENUE
 CHICAGO, IL 60601-6780

CONFIRMATION NO. 2493

FORMALITIES LETTER



OC000000013087249

Date Mailed: 06/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

07/22/2004 DENMANU1 00000056 121216 10827024

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*A copy of this notice **MUST** be returned with the reply.*

M. NGUYEN

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT
Attorney Docket No. 217538
Client Reference No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kwok et al.

Group Art Unit: 1615

Application No. 10/827,024

Examiner: Unassigned

Filing Date: April 19, 2004

For: FREE-FLOWING LYOPHILIZED
TOBRAMYCIN FORMULATION

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir

Applicant(s) hereby respond(s) to the Notice to File Missing Parts of Application dated June 28, 2004.

The items checked below are appropriate:

1. Status of Applicant

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that this Response and all accompanying documents are being deposited with the United States Postal Service on the date indicated below, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV 419245479 US, addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Jennifer Beedles
Signature	<i>Jennifer Beedles</i>
Date	July 20, 2004

2. Documents Submitted Herewith

- a. ☒ Executed Declaration of inventor(s)
- b. ☐ Nucleotide and/or Amino Acid Sequence Submission:
 - i. ☐ Computer Readable Form (CRF)
 - ii. Specification Sequence Listing on:
 - (1) ☐ CD-ROM or CD-R (2 copies); or
 - (2) ☐ Paper Copy
 - iii. ☐ Statement verifying identity of above copies
- c. ☐ Verified English translation of application
- d. ☒ Copy of the Notice to File Missing Parts of Application
- e. ☐ Substitute Drawings
- f. ☐ Other:

3. Application Filing Fee

- a. ☒ No application filing fee due
- b. ☐ Application filing fee due in amount calculated below:

APPLICATION FEES				
BASIC FEE				\$ 770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	- 20 =		× \$18.00	\$
Independent Claims	- 3 =		× \$86.00	\$
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+ \$290.00	\$
Total of above calculations =				\$
Reduction by 50% for filing by small entity =				\$()
Fee Already Paid =				\$()
Fee Due =				\$

4. Late Filing of Oath or Declaration Surcharge

Pursuant to 37 CFR 1.16(e), the surcharge for filing this Response is for
☒ other than a small entity or ☐ a small entity.

Fee Due \$130.00

5. Non-English Specification Surcharge

Pursuant to 37 CFR 1.17(i), the surcharge for submitting an English translation of the non-English specification is included.

Fee Due \$ 0.00

6. Extension of Time

- ☐ Applicant(s) petition(s) for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00.
- ☒ Applicant(s) believe(s) that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

Fee Due \$0.00

7. Total Fee Due

The total fee due is:

Application Filing Fee	\$ 0.00
Late Filing of Declaration Surcharge	\$130.00
Non-English Specification Surcharge	\$ 0.00
Extension of Time Fee	\$ 0.00

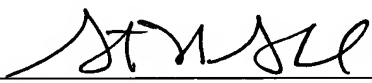
Total Fee Due: \$130.00

8. Fee Payment

- ☐ Attached is a check in the sum of \$.
- ☒ Charge Account No. 12-1216 the sum of \$130.00. A duplicate of this transmittal is attached.

9. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.



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Date: July 20, 2004